

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14631 of John and Leslie Oberdorfer, pursuant to Section 3107.2 of the Zoning Regulations for variances from the rear yard requirements (Section 404.1) and from the side yard requirements (Section 405.1) to permit an addition to a single family dwelling in an R-1-B District at premises 3415 Ashley Terrace, N.W., (Square 2071, Lot 804).

HEARING DATE: July 8, 1987
DECISION DATE: July 30, 1987

FINDINGS OF FACT

1. The site, known as premises 3415 Ashley Terrace, N.W., contains 4,252.50 square feet of land area and is located in the Cleveland Park section of the city. The site is bordered generally by Ashley Terrace to the west, a 15-foot alley to the north, another 15-foot alley to the east and by a lot improved with a single family home along Ashley Terrace to the south. The site is located in an R-1-B District.
2. The R-1-B District extends to the south, west and north of the site and is developed with single family detached homes. The area to the east and northeast of the subject site are developed with one-family, semi-detached dwellings located in the R-1-B District.
3. The site is a wedge-shaped trapezoid with an average lot width of 44.32 feet. The lot is sited on a bluff. The alley to the east lies at the foot of a 12 foot high retaining wall.
4. The site is improved with a three story single family detached dwelling constructed in 1907. On May 12, 1958, the effective date of the current Zoning Regulation's the structure became nonconforming in regards to the minimum lot area requirement, which is 5,000 square feet, and the minimum lot width requirement which is 50 feet.
5. Pursuant to Section 3107.2 of the Zoning Regulations the applicants are seeking variances from the rear yard requirements (Section 404.1) and the side yard requirements (Sections 405.1) to permit an addition to the structure. A rear yard twenty-five feet is required and an average of 13.12 feet is provided requiring a variance of

11.88 feet or 47.52 percent. A side yard of eight feet is required and four feet is provided requiring a variance of four feet or 50 percent.

6. At the public hearing, the applicant submitted a revised deck design to reduce the deck extension into the rear yard. The revised design reduces the deck extension from six feet to four feet and relocate the spiral stairs adjacent to the kitchen.

7. The addition would consist of an elevated deck extension of four feet and a four foot expansion of the kitchen to the east at the rear of the house. The kitchen expansion will extend no further into the rear yard than the eight foot by 12 foot deck which now exists at the rear of the structure.

8. Neither the kitchen nor deck addition will extend past the existing circular staircase.

9. The kitchen expansion will provide a bay to accomodate a kitchen table. The current eating area interferes with the functional aspects of the kitchen. A distance of 28 feet will result from the back of the bay to the rear property line. Because of the diagonal north property line the depth of the rear yard averages 13.12 feet.

10. The neighboring structure to the south has a deck which extends approximately two feet beyond the proposed kitchen expansion. A side yard of eleven feet is provided to the south.

11. There is a ten foot drop from the front to the rear of the house. The main floor which contains the kitchen, dining room and living room is ten feet above grade at the rear. The rear deck is intended to provide outdoor recreation space easily accessible to the main floor.

12. The houses to the north and east of the site are approximately 60 to 70 feet away from the proposed addition.

13. An existing screen of trees, including evergreens, and bushes exist between the proposed deck and the house at premises 3010 Ordway Street.

14. By letter dated June 23, 1987 Advisory Neighborhood Commission (ANC) 3C reported its support for the application as it is of the opinion that the proposed addition will not impinge on nearby houses in any way and no objections to the variances have been received by the ANC office.

15. Neighbors of the site submitted letters to the record in support of the application.

16. Neighbors of the site submitted letters to the record and/or testified in opposition to the application. Grounds for their opposition included the following:

- a) the additions would increase the density of Cleveland Park and change the character of the neighborhood;
- b) the house is too large for the existing lot;
- c) because of the elevation difference between the proposed addition and neighboring property, approximately 30 feet, and the proximity of the addition to nearby properties, the privacy of neighbors will be impaired;
- d) the proposed additions will block neighbors views of scenic vistas and;
- e) the construction of the addition would set a precedent for the neighborhood;

The Board does not concur. The Board finds that the addition will not change the character of the neighborhood and will not unduly infringe upon the privacy of neighboring properties. The existing structure and proposed addition are within the allowed lot occupancy permitted under the Zoning Regulations. The Board further finds that the protection of scenic views is not within the jurisdiction of the Board. The Board also finds that each application is judged on its own merits and that the proposed addition is sited on a unique lot.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicants are seeking area variances the granting of which requires a showing that the application meets the requirements of Sub-section 3107.2 of the Zoning Regulations. Sub-section 404.1 of the Zoning Regulations requires that a rear yard of 25 feet be provided in the R-1-B District. Under revised plans the proposed addition requires a rear yard variance of a lesser degree than originally requested. Section 405.1 requires that a side yard of eight feet be provided. A variance of four feet, or 50 percent is required for the addition.

The Board concludes that the applicants have met the burden of proof. The site is unique in shape and topography

resulting in a practical difficulty upon the owner. The site is unusually small for the area and the north property line extends diagonally from west to east making compliance with the rear and side yard requirements impractical. The Board further concludes that the location of the lot adjacent to two 15 foot wide public alleys and the location of the addition in relation to neighboring structures demonstrates that granting the proposed relief will not cause substantial detriment to the public good and will not substantially impair the intent, purpose and integrity of the zone plan. The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled. Accordingly the application is GRANTED SUBJECT to the CONDITION that construction shall be in accordance with the plans marked as Exhibit No. 7 and modified by Exhibit No. 21 of the record.

VOTE: 3-2 (William F. McIntosh, Paula L. Jewell and Charles R. Norris to grant; Lindsley Williams and Carrie L. Thornhill opposed to the motion)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD W. CURRY
Acting Executive Director

FINAL DATE OF ORDER: OCT 7 1987

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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